



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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November 21, 2002

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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-50**

Truck Equipment Sales & Service, Inc.
2 Danville Road
Plaistow, New Hampshire 03865

Mr. Gary S. Newell, President

**Truck Equipment Sales & Service, Inc.
Plaistow, New Hampshire
EPA ID # NHD052019130**

Mr. Newell

On September 13, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Truck Equipment Sales & Service, Inc. (TESS). The purpose of the inspection was to determine TESS's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at TESS. DES inspectors also confirmed that TESS disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that TESS test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. These analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by TESS using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, TESS may elect to manage waste lamps as "Universal Waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list.

TESS will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

2. Env-Wm 510.02(d)(2) - Manifest Copy Distribution

At the time of the inspection, TESS had not submitted the five (5) hazardous waste manifests listed below to DES.

- 1) Manifest No. MAM337808, dated 3/13/00
- 2) Manifest No. MAM581053, dated 6/08/00
- 3) Manifest No. MAM605650, dated 8/31/00
- 4) Manifest No. MAM616992, dated 11/22/00
- 5) Manifest No. MAM912078, dated 1/13/01

Env-Wm 510.02 (d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that TESS submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

On September 19, 2002, Mr. William Elliot provided the above-listed manifests to DES. No further action is required.

3. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, TESS was storing used oil destined for recycling in three (3) 250-gallon tanks, which were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that TESS label all containers and tanks of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

4. Env-Wm 807.10(b)(1) & (b)(3)– standards for burners of used oil

At the time of the inspection, TESS stated that they burn oil in an on-site oil heater. No notification of this burner activity has been received by DES from this facility.

Env-Wm 807.10(b)(1) requires that burners of used oil notify DES of their used oil burning activities using a New Hampshire Notification Form. Env-Wm 807.10(b)(3) also requires owners and operators who intend to burn used oil fuel to notify the DES Air Resources Division (ARD) to secure any required permits prior to burning such fuels.

DES requests that TESS submit a notification form for its used oil burning activities. Enclosed is a Hazardous Waste Activity Notification Form for this purpose. TESS should provide the appropriate information in sections 1 through 4, 6 through 8 (page 1), 9.C. 3. (page 2), and 12. (page 3). Please note that if TESS burns only automotive oil generated on-site, the used oil would be classified as "specification". If additional assistance is needed in completing the form, please contact the Reporting and Information Management Section, at 271-2900. Also please review the enclosed excerpt from the Air Resources Division website that summarizes criteria whereby TESS may require an air permit.

5. Env-Wm 1114.03– Requirements for Waste Management of Universal Waste Antifreeze

At the time of the inspection, one (1) 55-gallon container of used antifreeze, located in the main garage, was not closed.

Env-Wm 114.03, which references Env-Wm 1102.03(3), requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests that TESS ensure that containers of universal waste antifreeze are closed, except when universal waste is being added to or removed from the container.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by TESS can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within 30 days, DES may take further action against TESS, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Linda Birmingham or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,

COPY


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosures DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps
Management Requirements..."
DES "Fluorescent Lamp and Ballast Recycling Facility" list
Notification Form
Excerpt from the DES Air Resources Division website